

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DARCY CORBITT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 2:18-cv-91-MHT-SMD
)	
HAL TAYLOR, <i>et al.</i> ,)	
)	
Defendants.)	

NOTICE OF SUPPLEMENTAL AUTHORITY

The Plaintiffs respectfully provide the Court with notice of supplemental authority, *Karnoski v. Trump*, 926 F.3d 1180 (9th Cir. 2019), which was decided after the Plaintiffs submitted their Reply to Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment, (Doc. 61).

Plaintiffs cited the district court decision, *Karnoski v. Trump*, No. C17-1297-MJP, 2018 WL 1784464 (W.D. Wash. Apr. 13, 2018), in their Memorandum of Law in Support of Plaintiffs’ Motion for Summary Judgment (Doc. 51 at ECF 29-31). This decision was vacated by the Ninth Circuit, but that court held that discrimination against transgender individuals is subject to heightened scrutiny under the Equal Protection Clause, and noted that the district court had “reasonably applied the factors ordinarily used to determine whether a classification affects a suspect or quasi-suspect class.” *Karnoski*, 926 F.3d at 1200.

The Ninth Circuit further concluded that the challenged government’s plan, which, among other things, would require transgender service members without gender dysphoria to serve “in their biological sex,” “on its face treats transgender persons differently than other persons....” *Id.* at 1201; *contra Doe 2 v. Shanahan*, 917 F.3d 694, 733 (D.C. Cir. 2019) (Williams J., concurring) (discussed in Defendants’ Reply to Plaintiffs’ Response in Opposition to Defendants’ Motion for Summary Judgment (Doc. 62 at ECF 17-20)).

CONCLUSION

For the above reasons, *Karnoski* provides further support for the Plaintiffs’ argument that Plaintiffs’ Motion for Summary Judgment should be granted, and Defendants’ Motion for Summary Judgment should be denied.

Respectfully submitted this 23rd day of July 2019.

/s/ Brock Boone
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CERTIFICATE OF SERVICE

I certify that I have, on July 23, 2019, electronically filed the foregoing pleading with the Clerk of the Court, using the CM/ECF filing system which serve all counsel of record.

/s/ Brock Boone
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